

1ST Amendment - Amended Item 5 to reflect correct meeting date of August 14, 2012
2nd Amendment – Correct Item 1 from ‘demotion’ to ‘termination’ and correct start time to 9:30AM



MARKED

**CITY OF SCOTTSDALE
PERSONNEL BOARD MEETING
SECOND AMENDED NOTICE AND AGENDA**

9:30AM., Tuesday, April 9, 2013
HR Pinnacle Training Room
7575 E. Main Street
Scottsdale, Arizona 85251

CALL TO ORDER—9:30 a.m.

June Cohen, Chairperson; Lyle Ferger, Vice-Chair; John Tutelman—Present

ROLL CALL— June Cohen, Chairperson; Lyle Ferger, Vice-Chair; John Tutelman

1. HEARING ON APPEAL OF TERMINATION OF MICHAEL RILEY

2. MOTION TO RECESS INTO EXECUTIVE SESSION

The Board may consider one or more motions to recess into Executive Session pursuant to A.R.S. § 38-431.03(A)(3) to discuss and/or consult with the Board's attorney for legal advice relating to procedure, evidence, burden of proof, or other issues raised by the parties, or members of the Board and/or pursuant to A.R.S. § 38-431.03(A)(2) to discuss and/or consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is required to be maintained as confidential by law, which may be presented as a part of the Personnel Board hearing.

Action: Formal motion and vote to recess into Executive Session pursuant to A.R.S. §§ 38-431.03(A)(2) and (3) to discuss and/or consider confidential records, information or testimony and/or to discuss and/or consult with the Board's attorney for legal advice.

RECONVENE PUBLIC MEETING FOLLOWING EXECUTIVE SESSION AS APPLICABLE

3. DISCUSSION OF EVIDENCE AND DELIBERATION BY BOARD

4. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION TO CITY MANAGER



Persons with a disability may request a reasonable accommodation by contacting Lorelei Oien at (480) 312-2777. Requests should be made 24 hours in advance or as early as possible to allow time to arrange the accommodation. For TTY users, the Arizona Relay Service (1-800-367-8939) may contact Lorelei Oien at (480) 312-2777.

Action: Formal motion and vote to adopt findings of fact, conclusions and recommendation to the City Manager.

Approved 3-0; Board Member Tutelman moved to approve the Board's Finding of Fact that on August 1, 2012, Mr. Riley was subject to an investigation for driving under the influence and as a result of a blood test that he submitted to his commercial driver's license was suspended for one year and that as such he was no longer qualified for the position that he was employed with the City of Scottsdale, seconded by Chairperson Cohen.

Failed 1-2; Board Member Tutelman moved to approve the Board's Finding of Fact that during the investigation Mr. Riley was repeatedly asked by HR for information concerning the status of his commercial driver's license and he willfully failed to provide that information, seconded by Vice-Chair Ferger. Chairperson Cohen and Board Member Tutelman voted against.

Approved 3-0; Chairperson Cohen moved that the Board uphold the City of Scottsdale's determination under A.R.S. Section 14-72, Subsection 6, seconded by Vice-Chair Ferger.

Failed 1-2; Chairperson Cohen moved that the Board uphold the City of Scottsdale's determination under A.R.S. Section 14-72, Subsection 19, seconded by Vice-Chair Ferger. Chairperson Cohen and Board Member Tutelman voted against.

(Lunch occurred from 12:13 p.m. to 12:30 p.m.)

5. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON AUGUST 14, 2012

Action: Formal motion and vote to approve the minutes of the Personnel Board meeting held on August 14, 2012.

Approved 3-0; Board Member Tutelman moved to approve the August 14, 2012 regular meeting minutes of the Personnel Board as amended, seconded by Vice-Chair Ferger.

6. APPROVAL OF 2012 PERSONNEL BOARD ANNUAL REPORT

Staff will present an annual report of Board activities for calendar year 2012 for review, approval and submission to the City Council.

Action: Formal motion and vote to approve the 2012 Personnel Board Annual Report.

Approved 3-0; Board Member Tutelman moved to approve the 2012 Personnel Board Annual Report as presented, seconded by Vice-Chair Ferger.

7. ELECTION OF CHAIR AND VICE-CHAIR

A Chair and Vice-Chair must be voted upon in the first meeting of each new calendar year to serve a one-year term. The Board may nominate and vote to elect the current Chair



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and/or Vice-Chair for the 2013 calendar year or may nominate and vote to elect a new Chair and/or Vice-Chair for the 2013 calendar year.

Action: Formal motion and vote.

Approved 3-0; Board Member Tutelman moved to reappoint Chairperson Cohen and Vice-Chair Ferger to serve in their current positions on the Personnel Board for the 2013 calendar year, seconded by Vice-Chair Ferger.

8. FUTURE AGENDA ITEMS*

Action: No discussion, but possible direction to staff relating to placing items on future agenda(s).

ADJOURNMENT—Approximately 12:34 p.m.

*Note: The Board cannot discuss or vote on items not on the agenda, including items brought up as Board, staff or public comments, if any. If action by the Board is needed, the item should be placed on a future agenda in compliance with the Arizona Open Meetings Law.



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